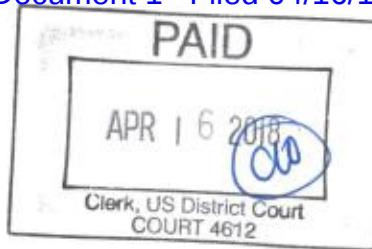


FILED

1 Tyesha Jackson Wise  
2 4001 Don Tomaso Drive #2  
3 Los Angeles, CA 90008  
4 (323) 306-4965  
5 [Tjacksonwise@icloud.com](mailto:Tjacksonwise@icloud.com)  
6 Pro Se



2018 APR 16 AM 9:33

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

LACV18 03167-SVW-RPMx (w)

7 UNITES STATES DISTRICT COURT

8 CENTRAL DISTRICT OF CALIFORNIA

9 TYESHA JACKSON WISE,

10 Plaintiff,

11 vs.

12 BMW FINANCIAL SERVICES NA, LLC,

13 Defendant

Case No.:

14 COMPLAINT AND DEMAND FOR  
15 JURY TRIAL

16 (UNLAWFUL DEBT COLLECTION  
17 PRACTICES)

### 18 VERIFIED COMPLAINT

19 TYESHA JACKSON WISE (“Plaintiff”), alleges the following against BMW  
20 FINANCIAL SERVICES NA, LLC, (“Defendant”):

### 21 INTRODUCTION

22 1. Count I of the Plaintiffs’ Complaint is based on Rosenthal Fair Debt Collection  
23 Practices Act, *Cal Civ. Code §1788 et seq.* (RFDCPA).

24 2. Count II of the Plaintiffs’ Complaint is based on the Telephone Consumer Protection  
25 Act, *47 U.S.C. 227 et seq.* (TCPA).

### 26 JURISDICTION AND VENUE

27 3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such  
28 actions may be brought and heard before “any appropriate United States district court

30 ORIGINAL

1 without regard to the amount in controversy," and 28 U.S.C. 1367 grants this court  
2 supplemental jurisdiction over the state claims contained therein. Jurisdiction of this  
3 court arises pursuant to 28 U.S.C. § 1331.  
4

- 5 4. Defendant conducts business in the state of California, and therefore, personal  
jurisdiction is established.
- 6 5. Venue is proper pursuant to 28 U.S.C. 1391 (b)(2).

7  
8 **PARTIES**

9 6. Plaintiff is a natural person residing in Los Angeles, Los Angeles County, California.  
10  
11 7. Defendant is a debt collector as that term is defined by 15 U.S.C.1692a(6) and *Cal.*  
12 *Civ. Code* §1788.2(c).  
13  
14 8. Defendant is a company located in Woodcliff Lake, New Jersey.  
15  
16 9. Defendant acted through its agents, employees, officers, members, directors, heirs,  
successors, assigns, principals, trustees, sureties, subrogees, representatives, and  
insurers.  
17

18 **FACTUAL ALLEGATIONS**

19 10. Between January 2017 and April 2018, Defendant began placing telephone calls to  
20 Plaintiff's cell phone.  
21  
22 11. Upon information and belief, Defendant is placing calls to Plaintiff's cell phone in an  
attempt to collect a debt allegedly owed by Tyesha Jackson Wise ("Plaintiff").  
23  
24 12. On March 15, 2017, Defendant called Plaintiff's cellular telephone three times, using  
25 artificial and/or prerecorded voice technology to coerce payment of alleged debt, with  
26 the intent to annoy, abuse or harass Plaintiff. Plaintiff asked Defendant to stop calling  
27  
28

1 and remove her telephone number. Plaintiff asked BMW FINANCIAL SERVICES  
2 NA, LLC representative, Sauna Hudson, to stop calling and advised her of the TCPA  
3 and RFDCPA violations. Plaintiff faxed a letter to Defendant again informing  
4 Defendant to stop calling Plaintiff's cell phone in attempts to collect a consumer debt.  
5

6 13. Despite the aforementioned notice, Defendant continued to place telephone calls,  
7 sometimes as early as 6:33a.m., using an automated dialer, to Plaintiff regarding an  
8 alleged debt.  
9

10 **COUNT I**  
11 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**  
12 **PRACTICES ACT**

13 14. Defendant violated the RFDCPA based on the following:  
14

15 a. Violation of §1788.11(d) of the RFDCPA by causing Plaintiffs' telephone  
16 to ring repeatedly and continuously so as to annoy and harass Plaintiff.  
17 b. Violation of §1788.11(e) of the RFDCPA by placing collection calls to  
18 Plaintiff with such frequency that was unreasonable and constituted  
19 harassment.  
20 c. Violation of the §1788.17 of the RFDCPA by continuously failing to  
21 comply with the statutory regulations contained with the FDCPA, 15  
22 U.S.C. § 1692 *et seq.*

23 WHEREFORE, Plaintiff TYESHA JACKSON WISE respectfully request  
24 judgment be entered against Defendant BMW FINANCIAL SERVICES NA, LLC, for the  
25 following:  
26

- 1 15. Statutory damages of \$1,000.00 pursuant to the Rosenthal Fair Debt Collection
- 2 Practices Act, *Cal. Civ. Code* §1788.30(b),
- 3 16. Costs pursuant to the Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code*
- 4 §1788.30(c), and
- 5 17. Any other relief that this Honorable Court deems appropriate.

7 **COUNT II**  
8 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

- 9 18. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint
- 10 as the allegations in Count II of Plaintiff's Complaint.
- 11 19. Defendant initiated at least sixty (60) telephone calls to Plaintiff's telephone line, in
- 12 which Defendant used, controlled and or operated "automatic telephone dialing
- 13 systems" as defined by § 227(a)(1) of the TCPA.
- 14 20. Defendant initiated at least fifty five (55) telephone calls to Plaintiff's cellular
- 15 telephone, after consent had been revoked, in violation of §227(b)(1)(A)(iii).

17 WHEREFORE, Plaintiff TYESHA JACKSON WISE respectfully request  
18 judgment be entered

20 against Defendant BMW FINANCIAL SERVICES NA, LLC for the following:

- 21 21. Statutory damages of \$84,000.00 (\$1500 per call), pursuant to the Telephone
- 22 Consumer Protection Act, *47 U.S.C. 227b(3)(B)*.
- 23 22. Costs pursuant to the Telephone Consumer Protection Act, *47 U.S.C. 227b(3)(B)*.
- 24 23. Any other relief that this Honorable Court deems appropriate.

26 **DEMAND FOR JURY TRIAL**

1 PLEASE TAKE NOTICE that Plaintiff TYESHA JACKSON WISE, demands a jury trial in this  
2 case.  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

RESPECTFULLY SUBMITTED,

13 DATED: April 16, 2018  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By:   
TYESHA JACKSON WISE  
PRO SE  
4001 DON TOMASO DRIVE, APT. 2  
LOS ANGELES, CA 90008  
T: (323) 306-4965  
Email: [Tjacksonwise@icloud.com](mailto:Tjacksonwise@icloud.com)

1

2

3 **VERIFICATION OF COMPLAINT AND CERTIFICATION**

4

5 STATE OF CALIFORNIA

6

7 Plaintiff TYESHA JACKSON WISE states as follows:

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

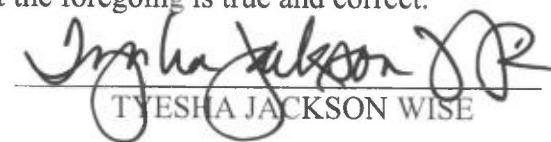
27

28

1. I am the Plaintiff in this civil proceeding.
2. I have prepared the above entitled civil Complaint and I believe that all of the facts contained in it are true, to the best of my knowledge.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, TYESHA JACKSON WISE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 4/16/18

  
TYESHA JACKSON WISE